

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 37, 38, 42-44, 48, and 68-69 are currently pending in this application. Claims 42, 44, and 48 are amended.

Claim Rejections - 35 USC § 103

Claims 37, 42, 43, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,708,656 to Noneman et al. (hereinafter "Noneman") in view of U.S. Patent No. 5,828,662 to Jalali et al. (hereinafter "Jalali").

Claims 38, 44, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noneman in view of Jalali and in further view of U.S. Patent No. 5,101,416 to Fenton et al. (hereinafter "Fenton").

Regarding claim 37, Noneman is directed to solving the problem of inefficient packet data transmission. Noneman states the following:

[T]wo inactivity time intervals are used along with a variable data rate including an idle rate, a default or intermediate rate, and a peak rate. When no packet data is available the data rate is reduced to an idle rate to free most of the system capacity used for communicating the packet transmissions. If the packet data transmission resumes before the first inactivity timer expires the transmission rate returns immediately to the peak rate. However, if the inactivity continues until the first inactivity timer expires, the data rate is not immediately

returned to the peak rate. This is because the network may allocate the free system capacity for other uses after the first inactivity timer expires. The packet data service connection is instead maintained at the idle rate after the first inactivity timer expires. When the second inactivity timer expires the packet data service is released.

If packet data becomes available for transmission between the time the first inactivity timer expires and the second inactivity timer expires, the data packets are transmitted at the intermediate rate, which is generally lower than the peak rate. After the transmitting source receives an acknowledgment from the receiving end of the channel, the data rate switches back to the peak rate. The data rate is not immediately switched back to the peak rate when packet data is available, because the network may have insufficient capacity to support the peak rate after reallocating capacity during the idle time. After an acknowledgment is received that sufficient capacity is available, the transmitting source may then use the peak rate. (Column 2, lines 18-50).

Applicant respectfully submits that Noneman never discloses a bandwidth manager coupled to the wireless receiver configured to receive a time slot assignment from the base station over the CDMA channel. Noneman instead discloses preconfiguring the device with two operating rates. If the device switches into idle mode, it transmits at a lower rate. In Noneman, the device never receives a time slot assignment; rather the device transmits based on the two inactivity timers.

Jalali is directed to an apparatus transmits a synchronization message on an uplink channel at the beginning of the on-period which reduces the number of receivers on the base station and avoids the need for identifying the mobile terminal

transmitting the synchronization message, which as a consequence avoids collisions among other mobile terminals in the same cell and reduces interference. The only reference in Jalali with respect to idle time periods is as follows:

Two types of handoffs may occur during a packet data call. If the terminal is in the process of data transmission and is put in soft handoff with other cells/sectors or a hard handoff is carried out, the base station will send a new synchronization channel assignment message to the terminal through the traffic channel. The message specifies a new synchronization channel, a time slot and a sector by which the mobile terminal will make future access attempts. If the terminal is not on a traffic channel, i.e. it is in idle mode and carries out an idle handoff according to the IS-95 standard to another sector, then the terminal will be required to relinquish both its synchronization channel and its time slot on the old cell/sector, and then obtain a new synchronization channel and time slot on the new cell. (Column 7, lines 35-47).

Accordingly, in Jalali the synchronization channel time slots are not idle mode channels. In fact, once the mobile terminal enters idle mode, it appears to have to relinquish the synchronization channel. Instead, the synchronization channel described in Jalali is used to assist the base station in acquisition and identification of the mobile terminal during cell selection and reselection. Applicant therefore submits that the cited references of record alone or in combination fail to teach or suggest a bandwidth manager, coupled to the wireless transceiver, configured to receive a time slot assignment from the base station over the CDMA channel,

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wherein the time slot assignment is used for uplink transmissions during an idle mode only, as is claimed.

Claim 43 contains similar limitations as claim 37 and the Applicant believes this claim is allowable over the cited references of record for the same reasons provided above.

Claims 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noneman in view of Jalali and in further view of U.S. Patent No. 5,619,524 to Ling et al. (hereinafter "Ling").

Claims 38, 42, 44, 48, and 68-69 are dependent upon claims 37 and 43, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. §103 rejection of claims 37, 38, 42-44, 48, and 68-69 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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